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Chair: Ms. Popovici (Vice-Chair) (Republic of Moldova)

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In the absence of Mr. Haniff (Malaysia), Ms. Popovici (Republic of Moldova), Vice-Chair, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 27: Social development (continued)

(b) Social development, including questions related to the world social situation and to youth, ageing, disabled persons and the family (continued) (A/C.3/66/L.8 and L.12)

Draft resolution A/C.3/66/L.8: Promoting social integration through social inclusion

1. **Mr. Chuquihuara** (Peru), introducing the draft resolution, said that economic growth alone did not guarantee social inclusion. Democracy was key to the promotion of social inclusion, guaranteeing active civic participation and the exercise of human rights and fundamental freedoms.

2. The principal goal of the draft resolution was to promote social inclusion, especially for those who were marginalized or excluded, in order to foster solidarity and just, tolerant societies that were respectful of difference, within the framework of shared values and aspirations. The present economic crisis made social inclusion measures all the more necessary and relevant.

3. Argentina, Chile and Guatemala had joined the sponsors of the draft resolution.

4. **Mr. Gustafik** (Secretary of the Committee) announced that Colombia had also joined the sponsors of the draft resolution.

Draft resolution A/C.3/66/L.12: Follow-up to the tenth anniversary of the International Year of the Family and beyond

5. **Mr. Cesa** (Argentina), speaking on behalf of the Group of 77 and China, introducing draft resolution A/C.3/66/L.12, said that the family played a pivotal role in social development and economic and social processes. It was therefore important to have a people-centred perspective on development.

6. In 2004, the tenth anniversary of the International Year of the Family had been an opportunity to focus on its objectives. That year, the General Assembly had decided to continue to mark the anniversary every ten

years. Recognizing the importance of supporting families and of ensuring action-oriented follow-up to the tenth anniversary, the Group of 77 and China had since then submitted a biennial draft resolution entitled "Follow-up to the tenth anniversary of the International Year of the Family and beyond".

7. The present draft resolution was based in large part on resolution 64/133, and contained no controversial or contentious elements. However, the text had been updated to include elements taken from Economic and Social Council resolution 2011/29 concerning the preparation for and observance of the twentieth anniversary of the International Year of the Family, in 2014. The draft also took account of the recommendations of the Secretary-General in his report to the General Assembly on follow-up to the tenth anniversary of the International Year of the Family and beyond (A/66/62-E/2011/4).

Agenda item 28: Advancement of women (continued)

(a) Advancement of women (continued) (A/C.3/66/L.19)

Draft resolution A/C.3/66/L.19: Improvement of the situation of women in rural areas

8. **Ms. Sodov** (Mongolia), introducing the draft resolution, said that Guatemala had joined the sponsors. The report of the Secretary-General on improvement of the situation of women in rural areas (A/66/181) clearly demonstrated that rural women played a vital, though not fully acknowledged, role in agriculture and rural development. However, they continued to be economically and socially disadvantaged, had limited access to economic resources and opportunities, and were excluded from planning and decision-making. Therefore, more efforts needed to be directed towards their empowerment.

9. In accordance with General Assembly resolution 58/126 on revitalization of the work of the General Assembly, in particular the stipulation that resolutions should be more concise, focused and action-oriented, and the number of preambular paragraphs kept to the minimum, the preamble of the draft resolution contained only two paragraphs.

10. Paragraphs 7 and 8 were based on the recommendations in the report of the Secretary-General. The provisions therein would facilitate the adoption of gender-responsive rural strategies and

budget frameworks and ensure that rural women's needs and priorities were incorporated, as well as accelerating progress towards gender equality and the empowerment of women in rural areas.

11. **Mr. Gustafik** (Secretary of the Committee) announced that the Plurinational State of Bolivia, Haiti, Madagascar, the Niger and Peru had also joined the sponsors of the draft resolution.

Agenda item 69: Promotion and protection of human rights (*continued*) (A/66/87)

(a) **Implementation of human rights instruments** (*continued*) (A/66/40 (Vols. I and II), 44, 48, 55, 175, 217, 259, 276 and 344)

(d) **Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action** (*continued*) (A/66/36)

12. **The Chair** invited the Committee to continue its general discussion of sub-items (a) and (d) of agenda item 69.

13. **Ms. Meda** (Nicaragua) said that her country had adapted its legislation to comply with international human rights standards and with the principles of non-discrimination and equality of all citizens. Nicaragua was a State party to the principal human rights instruments, the provisions of which were largely protected by the country's Political Constitution and other specific laws. Progress had also been made towards the adoption and/or ratification of other important human rights instruments.

14. The Government of Nicaragua's priorities were the enjoyment of economic and social rights and eradicating poverty, and it was establishing policies and programmes that responded to the people's needs, including access to free health care, food, clean drinking water, education, employment and housing. Its National Human Rights Plan set goals that were helping combat poverty, since there was no use discussing rights, citizenship or development without first addressing that scourge. The effective enjoyment of civil and political rights were also necessary for development.

15. Nicaragua had established agencies to ensure compliance with human rights norms, with a particular focus on the most vulnerable sectors of society. An Atlantic Coast Development Council had also been created, with the primary objective of organizing

Government actions to strengthen regional bodies and promote development in the autonomous regions and indigenous communities on the Atlantic coast.

16. The justice system had also been modernized in recent years, which had improved human rights protections. A Public Defender's Office had been created, and the Attorney-General's Office had been separated from the Public Prosecutor's Office.

17. All Nicaragua's efforts to implement international human rights instruments had been taken in conjunction with civil society groups, through the Inter-agency Human Rights Committee. That collective effort had led to important progress, including the submission of long-awaited reports to United Nations treaty bodies.

18. **Mr. Tag-Eldin** (Egypt) said that international action to promote human rights was based on the avoidance of confrontation and respect for the distinctive cultural, ethnic and religious features of different societies. Responsibility lay primarily with Governments; the task of the international community was to support national efforts, without conditionalities or outside interference. Developing States should have a stronger voice in international financial and economic decision-making bodies, notably the Bretton Woods institutions, in order to narrow the gap between North and South and achieve higher living standards, which in turn would help to promote human rights.

19. Action was needed to combat extremism, racial discrimination, incitement to sectarian and ethnic violence, and terrorism. Freedom of expression should not be abused to promote harmful ends. Conversely, respect for cultural and religious diversity and tolerance should be strengthened through dialogue. No particular religion or culture should be besmirched by accusations of terrorism.

20. It was important to restore the institutional balance among the main organs of the United Nations, and particularly between the General Assembly and the Economic and Social Council, as regards oversight of the Human Rights Council. The General Assembly, in its resolution 65/281, had reaffirmed the Council's status as a subsidiary body of the General Assembly. The voting on that resolution had revealed a large measure of agreement on the strengthening of cooperation between the Assembly and the Human Rights Council, despite attempts to politicize human

rights issues by bringing matters before the Third Committee that were outside its mandate.

21. The 2005 World Summit Outcome, which had formulated the principle of responsibility to protect, had also reaffirmed that the protection of human rights was essentially a matter for national Governments, with effective assistance from the international community, in a context of respect for the principles of non-interference in the internal affairs of States and respect for their sovereignty and territorial integrity. National capacity-building was the best way of ensuring that the four crimes identified in the Outcome — genocide, war crimes, crimes against humanity and ethnic cleansing — would not recur. Accordingly, increased funding for national capacity-building, notably through the Office of the High Commissioner for Human Rights, would be highly desirable.

22. Egypt's democratic transition had been under way since January 2011. Persons who had committed human rights violations during the revolution of 25 January would be tried and punished. The Government had enacted legislation aimed at strengthening political participation, thereby confirming the revolution's genuine commitment to democracy and respect for human rights. Egypt's National Council for Human Rights was being restructured and would shortly include academics, representatives of human rights organizations, legal experts and social development experts, who would enhance its institutional capacities. The Council would make a vital contribution to the implementation of Egypt's international obligations in the domain of human rights and to the task of guaranteeing freedom, dignity and democracy for the Egyptian people.

23. **Mr. Benmehidi** (Algeria) said that his country was a party to almost all international human rights instruments. It had always devoted resources to economic and social development and to improving the standard of living and well-being of its people. Algeria was committed to promoting and protecting civil, political, economic, social and cultural rights, using a range of constitutional rules, laws and regulations, as well as domestic implementation, evaluation and appeal mechanisms.

24. In 2010, Algeria had invited several Human Rights Council special mandate holders to visit the country, which illustrated its commitment to human

rights. At the regional level, both in Africa and in the Arab world, Algeria always assumed its share of responsibility for protecting and promoting human rights.

25. Algeria was undertaking broad political, economic and social reforms, which were helping to strengthen the rule of law and good governance. They included revising the Constitution, enacting a new law on information, decriminalizing press offences and opening up the broadcast media. Revisions were also being made to the law on political parties, the law on civil society organizations and electoral law, and efforts were being made to boost the representation of women in elected bodies. Such reforms demonstrated Algeria's commitment to human rights and would contribute to deepening the democratic process and strengthening the rule of law through an inclusive process involving all the political and social forces in the country.

26. With regard to economic, social and cultural rights, various development plans implemented over the past decade had led to unprecedented improvements in the standard and quality of life. Algeria had also expanded aid programmes helping young people to enter the job market. The country's actions in that regard had been noted by the special rapporteurs of the Human Rights Council and the African Commission on Human and Peoples' Rights. Remarkable progress had also been made with regard to the status of women, in particular since the constitutional reform of 2008. Women already had greater representation, and a draft law had been submitted to parliament establishing a quota of one third of the seats for women in elected assemblies at all levels.

27. Algeria was fully committed to the principle of universal human rights. However, recognition of the universality of human rights was not an acknowledgement that there was only one model of social or political organization. Indeed, universality must be based on recognition of cultural, historical and geographical peculiarities, as clearly reflected in the Vienna Declaration and Programme of Action. It must also be based on the international norms and legal principles that were the legal and political foundation of the United Nations: sovereign equality of States, non-interference in the domestic affairs of States, and respect for the political, economic and social systems that nations had chosen.

28. The creation of the Human Rights Council was motivated by the desire for a forum for dialogue and cooperation to promote and protect human rights without selective and politicized practices. Improvements in countries' performances in relation to human rights required consideration of their level of development, the diversity of their situations, and respect for their individual characteristics. To uphold the achievements of the World Conference on Human Rights, the Council should conduct a rigorous and objective evaluation of the implementation of the Vienna Declaration and Programme of Action.

29. Accession to international human rights instruments must not be selective. Implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was still weakened because it had not been ratified by host countries.

30. Although the international community had made important progress with regard to human rights, many peoples were still deprived of their fundamental rights and remained outside the ideals of peace, progress and prosperity. In that respect, Algeria believed that the right of peoples under foreign occupation to self-determination was a prerequisite to an international order founded on respect for human rights. The remaining challenges related to the implementation of the rights of peoples, in particular the right to peace, the right to self-determination, the right to development and the right to live without fear and poverty, in an environment that preserved the ecological balance of the planet.

31. **Mr. Al Nsour** (Jordan) said that the Jordanian parliament had recently approved comprehensive constitutional reforms to ensure greater human rights protection, enjoyment of freedoms and enhancement of political participation for all citizens. The amended text emphasized the importance of family, youth and persons with disabilities, and their need to be protected from exploitation. It also prohibited torture and banned detention outside of facilities designated by the laws regulating prisons. In addition, any statement extracted under torture would not be considered credible.

32. The amended Constitution expressly guaranteed freedom of opinion and expression. Indeed, there had been an unprecedented shift in the exercise of the rights to expression and public assembly in recent months, with hundreds of peaceful and responsible

demonstrations being held every Friday. The establishment of the new constitutional court — an impartial body whose decisions were binding on all parties — was a significant step in national efforts to apply democracy in a manner compatible with the highest international criteria. In addition, the court maintained a balance in the protection of all human rights, espousing emerging human rights concepts and preventing the abuse of rights and freedoms stipulated in the Constitution. An independent election commission had also been established.

33. Jordan would continue to use a quota system for the election of women to the National Assembly, and would continue efforts to remove all barriers that discriminated against the political, social and economic participation of women.

34. **Ms. Heshiki** (Japan) said that her country recognized the importance of the protection and promotion of human rights and had provided many countries with support in establishing democracy and building their legal systems. Recent pro-democracy movements such as the Arab Spring could be effective in promoting fundamental freedoms, human rights and dignities of individuals and should meet with a positive response from the international community.

35. Japan had continuously cooperated with the Human Rights Council, and had provided full support to the special procedures. It was extending its standing invitation to the Special Rapporteurs in 2011, and in 2012 would be a candidate for election to the Council. Her country had reported to the Committee against Torture in July 2011, and submitted its follow-up to the concluding observations of the Committee on the Elimination of Discrimination against Women in August 2011.

36. Japan had adopted a Third Basic Plan for Gender Equality, and was committed to contributing to the activities of international agencies, including UN-Women. It had signed the Convention on the Rights of Persons with Disabilities, had amended its Basic Act for Persons with Disabilities and would establish a Board on Policies Regarding Persons with Disabilities by August 2012 to monitor implementation of national policies.

37. **Mr. Kadyraliev** (Kyrgyzstan) said that his country had implemented a series of specific measures designed to develop its legal system. In 2008 it had signed the Optional Protocol to the Convention against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Government was exploring the possibility of establishing a national preventive mechanism to ensure transparency of detention centres and prisons for inspection by national and international experts.

38. The Government wished to expand the dialogue on human rights questions with the representatives of the Council, and was planning to organize a visit in December 2011 by Mr. Juan Mendez, Special Rapporteur on torture. Preventing and combating trafficking in human persons was a focus and priority of the migration policy of Kyrgyzstan.

39. **Ms. Camino** (Cuba) recalled that in 1959 Cuba had begun to construct a political, economic and social system that guaranteed human rights for all without discrimination. In particular, the Cuban people had full enjoyment of their right to self-determination, despite the serious obstacles and threats created by the policy of hostility and embargo imposed by the United States Government for over 50 years. The well-known achievements of Cuba in health, education, scientific and technological research, culture, and sports had been shared with the world by Cuban volunteers working in other countries. Those achievements had been possible because Cubans were the masters of their political destiny and of the country's resources, in a participatory democracy involving broad and transparent discussion aimed at improvement of their economic and social system.

40. Cuba was a State Party to 42 major human-rights treaties, and had ratified the International Convention for the Protection of Persons from Enforced Disappearance and the International Convention on the Rights of Persons with Disabilities. Cuba had participated actively in the establishment of the Human Rights Council, of which it was currently a member, and was participating in the Council's first cycle of the universal periodic review. The reviews should guarantee that the situation of human rights in a particular country was studied impartially and objectively and without selectivity or politicization. Her delegation hoped that, with the new United Nations human rights mechanism, there would be no more sanctions against South countries accompanied by absolute impunity for North countries.

41. **Mr. Ahmad** (Pakistan) said that Special Procedures mandates were important tools that

emphasized the link between poverty and violation of human rights. Poverty alleviation and implementation of the Declaration on the Right to Development should therefore be a priority.

42. In view of the increase in racism and racial and religious discrimination, his delegation welcomed the adoption by the Human Rights Council of resolution 16/18 sponsored by the Organization of the Islamic Conference.

43. The Constitution of Pakistan embodied the principle of equal rights and equal treatment, and guaranteed all fundamental rights and freedoms. The country was a party to seven core human rights instruments, and had withdrawn its reservations to the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Ministry of Human Rights monitored and addressed human rights violations and trends, with special reference to women, minorities, and vulnerable segments of society. The Pakistani media oversaw government policies and were working to increase human rights awareness. Civil society was playing an active role in human rights activities. The judiciary had taken steps to guarantee protection of the constitutional rights of all citizens.

44. **Mr. Ahouga** (Morocco) said that in July 2011 Morocco had adopted a new Constitution that represented a new stage in the process of deepening and expanding the national framework of protection of human rights and fundamental freedoms. The Constitution made the Amazigh language an official language of the State, along with Arabic. The State was also working to preserve the Hassāniya language and other national cultural expressions and languages by pursuing a language and culture policy that also encouraged the learning of foreign languages. A National Council for Moroccan Languages and Culture had been established to protect and develop the linguistic heritage.

45. Morocco had established an Authority for Gender Parity charged with combating all forms of discrimination against women. Torture, arbitrary and secret detention, and forced disappearance had been criminalized. Economic, social and environmental rights had been strengthened and independent institutions for the promotion and protection of human rights and for good governance had been set up.

Recognition of the primacy of international law had given new juridical force by the international conventions and treaties to which Morocco was party and new dynamism to efforts to bring national legislation into line with the obligations undertaken in the various international instruments.

46. Morocco had decided to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; and the Optional Protocol pertaining to the International Covenant on Civil and Political Rights. It had also withdrawn certain reservations, and had replaced other reservations with interpretative declarations, concerning the Convention on the Elimination of All Forms of Discrimination against Women.

47. Several projects were under way for revision and modernization of national legislative and institutional arrangements for the protection of human rights.

48. **Mr. Ulibarri** (Costa Rica) said that his country supported the six thematic priorities of the Office of the High Commissioner for Human Rights, which must be given the necessary funds to deal with unforeseen requests from the Human Rights Council. It was important to take advantage of the impetus generated by the popular movements in North Africa and the Middle East demanding respect for the peoples' human rights.

49. In Costa Rica, an Executive Decree issued in August 2011 had established an Inter-Agency Commission for Monitoring and Implementation of International Human Rights Obligations, which would prepare reports, draft Government positions, implement judgements and recommendations of inter-American and United Nations human rights bodies, and coordinate national actions to meet international obligations.

50. Efforts must continue to strengthen the committees that monitored human rights treaties. In view of the difficulties faced by treaty bodies in dealing with their growing workload, solutions needed to be found to strengthen existing mechanisms. Proposals that the Secretariat present a biennial overall request for meeting time, or establish a fixed schedule depending on the reports to be presented, would permit a more systematic and coherent focus. Another matter

for consideration was the source of funding for the functioning of the committees.

51. The independence of the members of treaty bodies was a guarantee of their proper functioning. Costa Rica took a positive view of some of the initiatives taken by the Office of the High Commissioner, particularly the Universal Human Rights Index and the listing of questions prior to presentation of the reports, which facilitated the work of the committees and the States Parties and had generated positive results.

52. **Mr. Dushyant Singh** (India) said that his country was pleased with the successful completion of the Human Rights Council review process, in which India had participated, and of the first universal periodic review cycle.

53. India attached great importance to the right to development, recognizing that development was a comprehensive economic, social, cultural, and political process. The important strides his country had made in facilitating citizens' enjoyment of human rights included establishment of an independent National Human Rights Commission in 1993; enactment of the Right to Information Act (2005); and creation by the judiciary of the remedy of public interest litigation to enable persons unable to approach the courts to seek justice via other avenues, a process that had been effective in providing remedies to detainees, children, and other vulnerable groups. A National Commission for Women had been created in 1992 to investigate and register complaints of violations of the rights of women.

54. India had recently begun implementing the Right to Education Act (2009), which applied to all public and private schools. Various bills pertaining to human rights were under consideration in Parliament, including the National Food Security Bill and the National Rural Employment Guarantee (Amendment) Bill of 2011.

55. **Ms. Boiko** (Ukraine) noted that in 2011 the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child had completed consideration of the periodic reports on implementation by Ukraine of the two Conventions concerned and the first report on implementation of the Optional Protocol on the involvement of children in armed conflict. Ukraine had also submitted to the Committee on Economic, Social and Cultural Rights its

sixth periodic report on implementation of the International Covenant on Economic, Social and Cultural Rights, covering the period 2006-2009. The seventh periodic report on the implementation of the International Covenant on Civil and Political Rights had been submitted to the United Nations Human Rights Committee. The follow-up resolution on the role of prevention in the promotion and protection of human rights, initiated by Ukraine, had been adopted by the Human Rights Council at its fourteenth session.

56. During its chairmanship of the Committee of Ministers of the Council of Europe from May to November 2011, one of the priorities of Ukraine had been human rights and the rule of law in the context of democracy and stability in Europe. Ukraine had hosted an international conference in September 2011 in Kiev on the role of prevention in promotion and protection of human rights.

57. **Mr. Ferami** (Iran) said that his country had submitted a detailed and substantiated national report under the universal periodic review mechanism of the Human Rights Council, and had sent a high-level delegation to the Council in February 2010. Iran had submitted its third periodic report pursuant to the International Covenant on Civil and Political Rights. The second periodic report on activities and measures to implement the rights embodied in the International Covenant on Economic, Social and Cultural Rights had been submitted. Two reports pursuant to the Convention on the Rights of the Child had been submitted and defended, and Iran was in the final stage of preparing its third and fourth reports.

The meeting rose at 4:55 p.m.